

REMARKS/ARGUMENTS

STATUS OF THE APPLICATION

Claims 1-22 are pending in this application. Claims 7, 10 and 22 have been amended. Support for the amended claims can be found in the specification. No new matter has been added.

Figures 2A-2F and 5A-5D were objected to by Examiner. Examiner stated "only that which is old is illustrated in Figures 2A-2F; 5A-5D; and therefore they should be designated by a legend such as -- Prior Art --."

The specification was objected to for informalities.

Claims 1, 4, 16, and 19 were rejected under 35 U.S.C. § 102(a) as being anticipated by Christopher Querée, "Business Integration of Fleet Management Systems," IEE Colloquium on Vehicle Location and Fleet Management Systems, 1993, p. 10/1-10/3 ("Querée").

Claims 1-6 and 16-21 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 5,922,040 to Prabhakaran ("Prabhakaran").

Claims 7-13 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 5,627,517 to Theimer *et al.* ("Theimer").

Claims 14-15 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Theimer in view of U.S. Patent 6,394,354 to Wilz *et al.* ("Wilz").

THE DRAWINGS

Figures 2A-2F are simplified diagrams of computer aided dispatching systems according to embodiments of the present invention. In fact, figures 2A-2F provide embodiments of the business management system 10 of figure 1. Similarly, figures 5A-5D provide embodiments of fleet management system 40 of figure 1. As figure 1 illustrates a fully integrated fleet management system according to the present invention, Applicants submit figure 1, and thus figures 2A-2F and 5A-5D, did not illustrate only that which is old. Applicants respectfully request Examiner reconsider and withdraw his objection to the drawings.

THE SPECIFICATION

The appendix has been moved to be positioned at the end of the description portion of the specification and before the claims. Substitute sheets are submitted with this amendment.

The appendix is a diagram that graphically identifies entity-attribute-relationships for a relational database. It is **not** a printout that lists in appropriate sequence the instructions, routines, and other contents of a program for a computer (i.e., a computer program listing). Therefore, a compact disc in compliance with 37 U.S.C. § 1.52(e) is not required and has not been submitted.

THE CLAIMS

Reconsideration and allowance of the claims are respectfully requested in light of the amendments to the claims and following remarks.

35 U.S.C. § 102(a) - Querée

Applicants respectfully submit that Querée does not teach or suggest each and every feature recited in claims 1, 4, 16, and 19. For example, claim 1 recites, in part, "integrating said fleet management system comprising raster data and vector data to said legacy system using said database and a host gateway, said raster data and said vector data being used to display a digital map." Nowhere does Querée teach or suggest that raster data and vector data of the fleet management system is used to display a digital map. Nowhere does Querée teach or suggest a host gateway to integrate the fleet management system and the legacy system. Claims 4, 16, and 19 also recite raster data and vector data of the fleet management system is used to display a digital map and a gateway.

In addition, for a publication to serve as a prior art reference under 35 U.S.C. § 102, it must provide an enabling disclosure. MPEP § 2121. Querée does not teach one of skill in the art how to practice the invention, nor does it enable one of skill in the art to practice the invention without undue experimentation. In fact, Querée provides no details on how to make

the invention, other than unsupported guesswork that "[t]his will involve adding distributed database and EDI (electronic data interchange) tools to the fleet management systems, building on industry standard. Scheduling and planning tools will also be needed." (Querée, p. 10/3).

Therefore, claim 1, 4, 16, and 19 should be allowable for at least these reasons.

35 U.S.C. § 102(e) - Prabhakaran

Claim 1

Applicants respectfully submit that Prabhakaran does not teach or suggest each and every feature recited in claims 1. Claim 1 recites, in part, "providing a fleet management system on a first platform; providing a legacy system on a second platform." Examiner states that "Prabhakaran discloses the claimed limitations of 'providing a fleet management system on a first platform' by providing a fleet tracking system on a UNIX platform (See Prabhakaran Figure 2; Col. 5, line 13-Col. 6, line 12). Also, Prabhakaran discloses the claimed feature of 'providing a legacy system on a second platform' as a mobile information center (See Prabhakaran Figure 5; Col. 12, lines 25-50)." (Office Action dated November 25, 2003, pp. 5-6). However, as illustrated in Prabhakaran's figure 5, the fleet tracking system includes the mobile information center (MIC) 1502 in that embodiment. MIC 1502 is a component of the fleet tracking system. Therefore, MIC 1502 cannot be a legacy system on a second platform. Examiner has combined two alternative embodiments (figures 2 and 5) of the same system (i.e., a fleet tracking system) to conclude that the reference has a fleet tracking system and a legacy system.

Furthermore, Examiner analogizes component 1507 as shown in Prabhakaran's figure 5 as a host gateway. (Office Action dated November 25, 2003, p. 6). However, component 1507 is not used to integrate a fleet management system to a legacy system as recited in claim 1.

Accordingly, claim 1 should be allowed for at least these reasons.

Claims 2-6

Claims 2-6, which depend on claim 1, should be allowable for at least a similar rationale as discussed above for claim 1.

Claims 16

Claims 16 recites providing a host gateway for routing messages from a fleet management system on a first platform to a business management system on a second platform. As discussed above for claim 1, Prabhakaran does not teach or suggest this feature. Therefore, claim 16 should be allowed for at least these reasons.

Claims 17-18

Claims 17-18, which depend on claim 16, should be allowable for at least a similar rationale discussed for claim 16.

Claim 19

Claim 19 recites "at least one legacy business management system, said legacy business management system being selected from a yard management system, a dock management system, a warehouse management system." But, nowhere does the cited reference discuss a yard management system, dock management system, or a warehouse system. Applicants' respectfully request Examiner provide support for his rejection.

Claim 20-21

Claims 20-21, which depend on claim 19, should be allowable for at least the rationale discussed for claim 19.

35 U.S.C. § 102(e) - Theimer

Applicants respectfully submit that Theimer does not teach or suggest each and every feature recited in claims 7. Claim 7 recites, in part, "receiving arrival information from a legacy system about at least one of a plurality of vehicles transporting said at least one of a plurality of products at a distribution point." This vehicle arrival information is provided by a legacy system, such as a yard management system. The only reference to vehicle arrival information in Theimer is "tags 104 associated with the airplane or the truck can conceivably communicate with a large-scale transceiver" (Col. 7, lines 56-58). Theimer does not teach

receiving vehicle arrival information from a legacy system. Thus, claim 7 should be allowable at least for these reasons.

Claims 8-13, which depend on claim 7, should at least be allowable for a similar rationale as discussed above for claim 7, as well as for the additional limitations they recite.

35 U.S.C. § 103(a) - Theimer in view of Wilz

Applicants submit that, Theimer and Wilz, either taken alone or in combination, do not teach or suggest "receiving arrival information from a legacy system about at least one of a plurality of vehicles" as recited, in part, in claim 7, on which claims 14-15 depend. Therefore, claims 14-15 should be allowable for this reason.

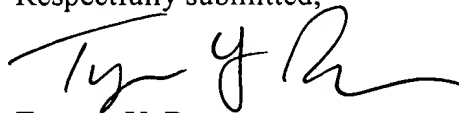
Claim 22 also recites, in part, "receiving arrival information from a legacy system about at least one of a plurality of vehicles." Accordingly, claim 22 should be allowable for at least a similar rationale as discussed above for claims 14-15.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Tyrome Y. Brown
Reg. No. 46,580

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 650-326-2422
TYB:
60090315 v1